Original.

No. 8587. No. 8588.

IN THE

SUPREME COURT

OF THE

STATE OF CALIFORNIA.

CHAS. LUX ET AL.,

vs.

J. B. HAGGIN ET AL.

Petition that Cause be Heard in Bank.

STETSON & HOUGHTON.
Atty's for Appellants.
L. T. HAGGIN,
Att'y for Respondents.

McALLISTER & BERGIN,
Counsel for Appellants.
GARBER, THORNTON & BISHOP, AND
FLOURNOY & MHOON,
Counsel for Respondents.

Filed Sept 11th *1882.*

J. W. Moss *Clerk,*

By James Kenna *Deputy.*

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STATE OF CALIFORNIA.

CHAS. LUX ET AL.,	No. 8587.
VS.	
J. B. HAGGIN ET AL.	No. 8588.

PETITION THAT CAUSE BE HEARD IN BANK.

To the Hon. Supreme Court of the State of California:

Your petitioners, the attorneys and counsel for the appellant and respondent in the above entitled case, respectfully show:

That the Transcripts on two appeals herein, one taken from the judgment rendered in the Superior Court for Kern County, and the other from an order made by the same Court denying a motion for a new trial, made in said case, were filed with the Clerk of this Court on the 22d day of August, 1882.

That in this case plaintiffs claim that Kern River is a stream of water several hundred miles in length, rising in the Sierra Nevada Mountains, and flowing down to and upon their lands; that

by virtue of their ownership of said lands, they, as riparian proprietors, are entitled to have all the waters of said river flow down to them; and so seek to enjoin defendant from interfering with or diverting any of the waters of said river. Defendant, on the other hand, claims that, by virtue of certain appropriations made, it is entitled to take out and divert a portion of the waters of said river for irrigation and other purposes.

And your petitioners respectfully suggest that the questions involved in this case are many and important, and as matters of public interest are such as should be heard by this Hon. Court in Bank in the first instance.

Wherefore your petitioners pray that this cause may be heard before the Supreme Court of the State of California, sitting in Bank, and that it be not assigned to a Department of said Court.

Stetson & Houghton
Att'ys for Appellants.

Louis T. Haggin
Att'y for Respondents.

McAllister & Bepp
~~Flournoy~~
Counsel for Appellants.

Garber, Thornton & Bishop
Flournoy & Moore
Counsel for Respondents.